

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JIMMY LEROY RAMSEYER,

Petitioner,

v.

DICK SMELSER,

Respondent.

Case No. C05-5006FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

Petitioner moves for a certificate of appealability of this Court's Order adopting the Magistrate Judge's Report and Recommendation and Dismissing his habeas corpus petition. This Court concluded that the State court decisions were not contrary to nor did they involve an unreasonable application of clearly established federal law nor an unreasonable determination of the facts in the light of the evidence presented. For these reasons, more completely elaborated in the R&R and the Court's Order, as well as in Respondent's Opposition to the instant motion, Petitioner's Motion for a Certificate of Appealability is DENIED.

SO ORDERED.

DATED this 24th day of February, 2006.



FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE